

IN THE HIGH COURT OF JUDICATURE AT PATNA

Cr.Misc. No.37265 of 2007

SUNIL MAHTO @ LUKHA

Versus

STATE OF BIHAR

6/ 12.8.2008

Heard learned counsel for the parties.

Informant's son Manoj Kumar Gupta was allegedly caught and pressed by the petitioner and in that position, he was struck with Fasuli by another accused Mahesh Mahto on chest and abdomen which proved fatal.

Submission is that the petitioner is not the assailant of the deceased. The assailant of the deceased is co-accused Mahesh Mahto. The petitioner has not been implicated in any case in the past.

The deceased prior to his death has told his father that the petitioner has pressed him and in that position, he was struck by Fasuli by another co-accused. The role of the petitioner is identical and equivalent to another accused.

Considering the seriousness of crime, I am not inclined to grant bail to the petitioner. Accordingly, his prayer for bail is rejected.

Tahir/-

(Shyam Kishore Sharma, J.)

